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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 09/737,339  | 12/15/2000  | Rabindranath Dutta   | AUS920000505US1             | 9180             |
| 24033   | 7590        | 09/26/2005           |                             |                  |
| KONRAD RAYNES & VICTOR, LLP<br>315 S. BEVERLY DRIVE<br># 210<br>BEVERLY HILLS, CA 90212 |             |                      | EXAMINER<br>NGUYEN, CUONG H |                  |
|   |             |                      | ART UNIT<br>3661            | PAPER NUMBER     |

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

|                 |              |  |
|-----------------|--------------|--|
| Application No. | Applicant(s) |  |
| 09/737,339      | DUTTA ET AL. |  |
| Examiner        | Art Unit     |  |
| CUONG H. NGUYEN | 3661         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-11,14-16,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11,14-16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This Office Action is the answer for the response received on 5/16/2005. Claims 1-6, 9-11, and 14-16, 21-22 are pending (claims 21-22 are new).

### **Drawings**

2. The examiner acknowledges a replacement of formal drawing of Fig.1 on 5/18/2005.

### **Response**

3. The examiner respectfully submits new ground of rejection herein and makes this Office Action Non-Final; the arguments on previous ground based on primary reference of ActiveX by Microsoft are moot.

It is submitted that BROAD claim 1, as best interpretation, is read as:

A. As original independent Claim 1: A method for transferring data over a network, wherein a client computer performs:

- downloading and displaying content from a server;
- downloading and displaying content from another server;
- displaying those downloaded data; and
- communicating downloaded data to the first server.

Claimed limitations are obvious with Microsoft Corporation "How to write and use ActiveX control...", in view of Flexi International's article titled "Flexi Web Strategy Targets ActiveX First, Java Maybe"; the 2<sup>nd</sup> downloading step is merely a repetition of a similar action as 1<sup>st</sup> step (only from different location); the communicating step is old and well-known for the benefit of acknowledgement of the reason to use data (e.g., to match with a particular related data from a different place).

B. As amended independent Claim 9: A system for transferring data on the Internet, comprising:

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- a server;
- a network interface allowing the second server to communicate with the client;
- program logic implemented in a computer readable memory **capable of** causing the second server to perform:

- (i) in response to a request, transmitting a first page to the client computer, wherein the first page activates a program in the client computer to cause the client computer to transmit transfer data to the second server, wherein the client computer accesses the transfer data from a second page the client computer downloads and displays from the first server, and wherein the program further causes the client computer to display the transfer data from the second page with the content from the first page; and
- (ii) receiving the transfer data from the client computer.

Please note the words “capable of” following claimed program logic merely indicates a specific intent of use; therefore, as best interpretation, claim 9 becomes: A system for transferring data on the Internet, comprising:

- a server;
- a network interface allowing the second server to communicate with the client;
- program logic implemented in a computer readable memory.

The above claimed limitations are suggested by Microsoft Corporation “How to write and use ActiveX control...”, in view of Flexi International’s article titled “Flexi Web Strategy Targets ActiveX First, Java Maybe”.

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C. As amended independent claim 14: A computer readable medium including a program, and a first page including content and codes to activate a program, wherein that first page causes the client computer to perform:

- displaying content of that first page;
- activating the program to cause transferring data; downloading data, and displaying data, and wherein the program further causes the client computer to display transferred data.

The above claimed limitations are suggested by Microsoft Corporation "How to write and use ActiveX control...", in view of Flexi International's article titled "Flexi Web Strategy Targets ActiveX First, Java Maybe".

D. As newly-added independent Claim 21: A system for communication between servers, comprising:

- a first program for:
  - (i) displaying contents;
  - (ii) displaying another content and
- a different program for:
  - (i) read transferred data (i.e., access that another content;
  - (ii) display ...

there was a new ground of rejection in the Official Action mailed on 2/14/2005 (these are obviousness rejections with the addition of Official Notices in the statutory bases). Based on the admission in the specification, the examiner respectfully submits that the claimed concept already existed: *"To find the current price when the transaction occurs, the consumer would have to access the centralized exchange to determine the real-time price when the transaction,*

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*e.g., sale or purchase, was executed*” (see the Description of the Related Art, page 1, lines 18-21); and

Consumer Report Magazine or Consumer Digest Magazine have made consumers confident about the fairness of the price they are being charged for product whether a purchase is online or “*a regular purchase*” as in Description of the Related Art portion (see the specification, page 2, lines 5-6); therefore, this claimed invention is old and well-known (the information of “merging” a price/a document (1<sup>st</sup> source) to another document (2<sup>nd</sup> source) is a well-known technique of computer OLE (Object-linking & embedding) – please note that pending claims are VERY BROAD that read-on cited references (the specification shows a specific application of merging a price from an agent into a different airliner’s webpage (see invention, Fig.3); however, the applicants BROADLY claim that “merging data” idea from 2 Internet servers in many computer applications.

4. In the response on 5/16/05, there was no challenge on the cited old and well-known practices (in the attached PTO-892) except a paragraph 4<sup>th</sup> (page 7 of 13 of the 5/16/2005 amendment) “...However, although certain components of the technology used to implement the invention may be known, nowhere has the Examiner anywhere cited art that teaches, suggests or discloses the particular claim requirements and operations”; the examiner respectfully submit that above cited paragraph does not make the application patentable “because the cited art does not disclose”; the examiner provides exemplary examples of using those limitations in the art, and the ground of rejection on newly added claims 21-22.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. **Claims 1-6, 9-14, 14-16, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al. (US Pat. 6,724,403).**

A. As newly-added independent Claim 21: Santoro et al. suggest a system for communication between servers, comprising:

- a first program (note: there is inherently an interface to receive a query from another place) to:

(i) displaying downloaded contents from a source;

(ii) displaying another downloaded content from another source;

(for above parts (i) and (ii) see Santoro et al., the abstract; and Fig.1 wherein Santoro et al. teach about simultaneously display of downloading information from different sources).

- Santoro et al. also use a different program/command to:

(ii) displaying integrated contents (see Santoro et al. Fig.1);

(i) using transferred data (i.e., accessing a content by activating a window/"hi-light" then clicking a link – e.g. "Top-Selling Electronics" - see Santoro et al. Fig.1);

Santoro et al. do not expressly disclose a system to "transferring transferred data to a server".

However, the examiner respectfully submits that Santoro et al.'s ideas obviously comprising a program with a function to "transferring data to another place/server". The program having that claimed function of transferring/connecting/linking/communicating is suggested by Santoro et al. (see a connection line representing a communication between ref.100 of Fig.2 and another external source - i.e., in Fig. 26, communications take place among "User/Client Device" 2600, "Server" 2600, and "3<sup>rd</sup> party Web-Site" 2604).

It would have been obvious to one of ordinary skill in the art at the time of invention for using Santoro et al. ideas to explicitly disclosing about transferring transferred data to a server, the displaying them for the advantage of being able to send data to another place for viewing because Santoro et al.'s configuration is capable to handle such functions .

B. As newly-added independent Claim 21: Santoro et al. also suggest a system for communication between servers, comprising: a location to store/retrieve transferred data (e.g., see Santoro et al., "Cache" 124 of Fig.1).

C. As original independent Claim 1: A method for transferring data over a network, wherein a client computer performs:

- downloading and displaying content from a server;
- downloading and displaying content from another server;
- displaying those downloaded data; and
- communicating downloaded data to the first server.

As above interpretation, claim 1 is obvious with Santoro et al.'s ideas because every claimed limitations is similar to claim 21's limitation (simultaneously down-loading multiple



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sources, then displaying those data, and communicating among involved parties); therefore, similar rationales and reference (Santoro et al.) set forth are applied for an obvious rejection.

D. As original dependent claims 2, 5, and 10: Santoro et al. suggest a method for transferring data over a network, comprising:

- writing (this is merely an act of downloading/recording) data to client's computer, and retrieving those data (from stored location in client's computer) later.

The examiner submits that "User/Client Device" 2600 (see Santoro et al., Fig.26) comprises a computer being capable to perform this claimed function.

E. As dependent claim 6: The examiner respectfully submits that claim 6 is directed to a method of transferring data.; those data obviously contain programmed code to activate different sources (see Santoro et al., Fig.1, ref. 40 – a client could activate a underlined code (i.e., Technology stock data for a link to get detailed information).

F. As independent claim 9: The examiner respectfully submits that claim 9 "a second server" is analogous to a second source (i.e., "3<sup>rd</sup> party Web-Site" 2604 of Fig. 26).

Based on that interpretation, claim 9 is obvious with Santoro et al. because every claimed limitation is similar to a combination of limitations from analyzed claim 1 and claim 2; therefore, similar rationales and reference set forth are applied for an obvious rejection of claim 9.

F. As for dependent claims 11, and 16:

The rationale and reference for above rejection of claim 9 are incorporated.

The examiner interprets claim 11 as a system having a capability of:

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- issues a request to download and display data (including data from the first server), and integrating downloaded data from multiple of sources (e.g., the program displays the transfer data with the content from the first page).
- Santoro et al. teach above functions with “Initiate Section” 2500, “Display Datastreams” 2520, and “Render Grid” 2512 (see Santoro et al., Fig.25).

G. As independent claim 14: The examiner respectfully submits that claim 14 is directed to a “physical” storage device, having programs to perform claim 1’s limitations.

Claim 14 has similar functions except “from the second server”, the examiner considers a general source/website to represent for “from the first server”, and “from the second server”; these different sources are obviously having similar characteristic of a web page.

Based on that interpretation, claim 14 is obvious with Santoro et al. because every claimed limitation is similar to claim 1’s limitations; therefore, similar rationales and reference set forth are applied for an obvious rejection of claim 14.

H. As for dependent claims 5, 10, and 15:

The rationale and reference for above rejection of claim 22 are incorporated.

I. As for dependent claims 3-4:

The rationale and reference for above rejection of claim 1 are incorporated.

Santoro et al. suggest a method for sending a command over a network, comprising fundamental functions of communicating transfer data to another location:

- activating a source (e.g., a program from a website); then receiving user input/query at a website wherein a request to download and display obtained data is made (see Santoro et al. shows a structure & results in Fig. 26, and Fig.1); the content from the second server including

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the transfer data (e.g., Santoro et al. show a structure in Fig.26 to exchange data from User/Client Device 2600 to 3<sup>rd</sup> Party Website 2604; and between Server 2602 with 3<sup>rd</sup> party Web-Site 2604);

The examiner respectfully submits that limitation c) activating a second source/(a second program) to transfer data to a first source/(a first program), and then displays the transfer data with other transferred contents is obviously suggested by a structural configuration of Santoro et al., Fig. 26, and Fig.1's result.

### ***Conclusion***

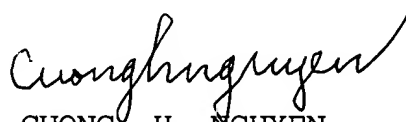
6. Claims 1-6, 9-11, 14-16, and 21-22 are not patentable.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

A handwritten signature in cursive script, reading "Cuong H. Nguyen".

CUONG H. NGUYEN  
Primary Examiner  
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